

REMARKS/ARGUMENTS

Claims 1-18 were pending in this application. Claims 1, 2, 5, 6, and 16-18 have been amended. Claims 3, 4, and 7-9 have been canceled. No claims have been added. Hence, claims 1, 2, 5, 6, and 10-18 remain pending after entry of the amendments herein.

Reconsideration of the subject application as amended is respectfully requested.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,353,327 to Adari, *et al.* (hereinafter "Adari"), in view of the cited portions of U.S. Patent No. 4,796,289 to Masor, *et al.* (hereinafter "Masor").

Claims 1-4, 7-12, 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adari, in view of the cited portions of U.S. Patent No. 6,904,130 to Urban, *et al.* (hereinafter "Urban").

Claims 5-6 and 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adari, in view of Urban, and further in view of Applicant admitted prior art.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Adari, in view of Urban, and further in view of the cited portions of U.S. Patent No. 5,696,810 to Dunn, *et al.* (hereinafter "Dunn").

Claims 1, 2, 5, 6, and 16-18 have been amended to more particularly point out and distinctly claim the Applicant's claimed invention, the support for which may be found at, for example, ¶ [0027]. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 103(a)

While the Applicant maintains that the office action fails to establish a prima facie case of obviousness, since the cited references do not teach or suggest all claim limitations and since the office action does not cite a reference in the prior art where the alleged motivation to combine the references may be found, the Applicant has amended the pending independent claims to include limitations not found in the prior art. Specifically, claims 1, 16, 17, and 18 have been amended to include "wherein the integrated dial tone tester includes a visual indicator, including at least two LEDs, configured to indicate reversed polarity on at least one of a plurality

of telephone lines" or an essentially similar limitation. This limitation is not found in the cited references.

While Adari does appear to teach a visual indicator, the visual indicator taught by Adari does not include two LEDs that are "configured to indicate reversed polarity on at least one of a plurality of telephone lines." Hence, the cited references do not teach all the claim limitations, and claims 1, 16, 17, and 18 are believed to be allowable, at least for this reason.

The remaining claims depend from claim 1 and are believed to be allowable, at least for the reason stated above. Moreover, claims 5, 6, 13, and 14 are believed to be allowable for the additional reason that the Applicant **does not** admit that the missing limitations are found in the prior art. At the location of the Applicant's alleged admission, the Applicant states that, "in a typical telephone system, a voltage greater than or equal to forty-four volts is adequate, while a lesser voltage is inadequate." Claims 5, 6, 13, and 14 recite audible and visual devices that activate and deactivate based on the voltage, which are not admitted as prior art. Hence, these claims are believed to be allowable, at least for this additional reason.

CONCLUSION

In view of the foregoing, the Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: June 7, 2006

/Irvin E. Branch/
Irvin E. Branch
Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
IEB:arl
60735887 v1